

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: ETHICON, INC.,
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION

MDL No. 2327

THIS DOCUMENT RELATES TO ALL CASES

**PRETRIAL ORDER # 59
(AMENDED Bellwether Case Selections)**

At the request and agreement of the parties, it is **ORDERED** that PTO # 57 is amended to change the order of the bellwether selections as follows:

- *Carolyn Lewis, et al. v. Johnson & Johnson, et al.* 2:12-cv-04301 TVT
- *Judy Brown, et al. v. Ethicon, Inc., et al.* 2:12-cv-07314 TVT
- *Jo Huskey, et al. v. Ethicon, Inc., et al.* 2:12-cv-05201 TVT-O
- *Tonya Edwards, et al. v. Ethicon, Inc., et al.* 2:12-cv-09972 TVT-O

I will try the first and second round of cases, set to begin on January 14, 2014, and May 27, 2014, respectively, from the list of cases above and in the order above. If the first case is not ready or has settled, I will move to the next case and so on. For the third round of cases set to begin on August 19, 2014, I will try a Prolift case. However, I am not satisfied with the Prolift cases submitted and will permit the submission of three Prolift cases per side, with selection of two Prolift cases in November, 2013. I will select a total of six bellwether cases in this MDL because of the number of different products. The parties will submit a schedule for the submission of the Prolift cases by **August 14, 2013**. Finally, I will enter a First Amended

Docket Control Order, which will set forth revised deadlines for the four bellwether cases identified above.

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2327 ***and in each of the cases listed above***, and it shall apply to each member related case previously transferred to, removed to, or filed in this district, which includes counsel in all member cases up to and including civil action number 2:13-cv-18980. In cases subsequently filed in this district, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the complaint. In cases subsequently removed or transferred to this court, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action upon removal or transfer. It shall be the responsibility of the parties to review and abide by all pretrial orders previously entered by the court. The orders may be accessed through the CM/ECF system or the court's website at www.wvsd.uscourts.gov.

ENTER: August 5, 2013



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE